STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

Mr. James Sullivan
Vice President of Operation
Webber Energy Fuels
700 Main Street
Bangor, ME. 04401

April 25, 2005

RE: Maine Waste Discharge License (WDL) Application #W000767-5S-D-R
Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0022225
Final Permit/License

Dear Mr. Sullivan:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. This permit/license supersedes National Pollutant Discharge Elimination System (NPDES) permit #ME0022225, last issued by the Environmental Protection Agency (EPA) on January 8, 1976. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the permit/license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months however; you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc.
cc: Tanya Hovell, DEP/EMRO David Webster, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

web site: www.state.me.us/dep

DMR Lag

(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.

2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.

3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

   EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

WEBBER OIL COMPANY	)	MAINE POLLUTANT DISCHARGE
BANGOR, PENOBSCOT COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
BULK FUEL STORAGE FACILITY	)	AND
W000767-5S-D-R	)	WASTE DISCHARGE LICENSE
ME0022225 **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et. seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of WEBBER OIL COMPANY (Webber hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The permittee has submitted an application to the Department to modify and renew Waste Discharge License (WDL) #W000767-5S-C-R, which was issued on June 2, 2000, and is due to expire on June 2, 2005. The WDL authorized the permittee to discharge treated storm water runoff and hydrostatic test waters to the Penobscot River, Class B, in Bangor, Maine.

MODIFICATIONS REQUESTED

1. Increase the daily maximum limitations for total suspended solids (TSS) for Outfall #001 from 50 mg/L to 100 mg/L to be consistent with National Pollutant Discharge Elimination System (NPDES) permits for other facilities permitted by the U.S. Environmental Protection Agency (EPA) in Region I – New England.

2. Reduce the monitoring frequency for all parameters in the permit from 1/Month to 1/Quarter to be consistent with NPDES permits for other facilities permitted by the EPA in Region I – New England..

PERMIT SUMMARY

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the NPDES permit program in Maine. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0022225 (same as NPDES permit number) will be utilized as the primary reference number for Webber's Bangor facility.

This permitting action is similar to the 6/2/00 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Establishing limitations and monitoring requirements for hydrostatic test water discharges.

PERMIT SUMMARY (cont'd)

2. Increasing the daily maximum limit for TSS from 50 mg/L to 100 mg/L for the discharges from Outfall #001 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a12-month rolling averaging period.

3. Reducing the monitoring frequency for all parameters from 1/Month to 1/Quarter.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 22, 2005, (revised April 25, 2005) and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:

   a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

   c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

   e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of the WEBBER OIL COMPANY to discharge treated storm water runoff and/or hydrostatic test waters from a bulk fuel storage and transfer facility to the Penobscot River, Class B, subject to the attached conditions and all applicable standards and regulations:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*," revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 25TH DAY OF April, 2005.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: _____ FOR
Dawn Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application February 25, 2005.

Date of application acceptance February 28, 2005.

FILED
APR 26 2005
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

W07675SD 4/25/05

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge treated storm water runoff and/or hydrostatic test waters to the Penobscot River. Such treated waste water discharges shall be limited and monitored by the permittee as specified below.

OUTFALL #001 - Storm water runoff and/or hydrostatic test waters.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	---	---	---	115 gpm[1] *[78]*	---	---
Total Suspended Solids *[00530]*	---	---	50 mg/L[2] *[19]*	100 mg/L *[19]*	1/ Quarter *[01/90]*	Grab[3] *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Quarter *[01/90]*	Grab[3] *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

OUTFALL #002 - Hydrostatic test waters.

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements			
	Monthly Average as specified	**Daily Maximum** as specified	**Monthly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Flow (Total Gallons) *[82220]*	---	---	---	2.6 million gallons *[57]*	1/Discharge *[01/DD]*	Measure *[MS]*
Total Suspended Solids *[00530]*	---	---	---	50 mg/L *[19]*	1/Discharge *[01/DD]*	Grab *[GR]*
Oil & Grease *[00552]*	---	---	---	15 mg/L *[19]*	1/Discharge *[01/DD]*	Grab *[GR]*
Total Residual Chlorine *[50060]*	---	---	---	19 ug/L[4] *[28]*	1/Discharge *[01/DD]*	Grab *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Footnotes:

Sampling Locations: Samples for all parameters shall be collected after the oil/water separator (or other location(s) approved by the Department) during the first hour of discharge.

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

(1) **Flow** - The flow through the oil/water separators shall consist of storm water runoff and/or hydrostatic test waters only. The direct or indirect discharge of liquids from petroleum product pipelines, transport tanks, vessels or storage tanks through the oil/water separator is not authorized by this permit. No chemical treatment such as dispersants, emulsifiers or surfactants may be added to the oil/water separator or any waste water discharge stream contributing flow to the separator.

At no time shall the flow through the oil/water separators exceed the design flow of the separator (115 gpm). Measurement of flow is being suspended in this permitting action as the permittee has installed a permanent constriction to prevent flows from exceeding the design capacity of the separator.

(2) **Total Suspended Solids (TSS)** – The monthly average concentration limitation of 50 mg/L for TSS is based on an average over the previous twelve-month period. See page 10 of the attached Fact Sheet of this permit for an example calculation. For the first three calendar quarters (4/05 – 6/05, 7/05 – 9/05, 10/05 – 12/05) of the term of this permit, the permittee shall report "**NODI-9**" *Monitoring Is Conditional/ Not Required This Monitoring Period,* in the applicable space on the Discharge Monitoring Report (DMR). In the "Comments" box at the bottom of the DMR, the permittee shall indicate this is the first of four quarters, second of four quarters etc. In the first calendar quarter of 2006 and each quarter thereafter, the permittee shall calculate and report on the DMR, the 12-month rolling average TSS concentration.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

(3) Storm water runoff from one significant storm event per calendar quarter shall be sampled for TSS, oil & grease and benzene. Significant storm event is defined as any event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable storm event. Suitable size and type of samples shall be collected in accordance with 40 CFR Part 136. Grab samples will be collected within the first hour (first flush) after the diked area(s) drainage area and/or pumpout has started. Separate aliquot samples shall be taken for the analysis for each parameter.

(4) **Total residual chlorine (TRC):** If the permittee or agent for the permittee utilizes a water supply and or piping that has been disinfected with elemental chlorine or chlorine based compounds for hydrostatically testing tanks, sampling for TRC is required once per discharge event. Compliance with the daily maximum limitation will be based on EPA's minimum level (ML) of detection of 50 ug/L (0.05 mg/L). All analytical test results shall be reported to the Department including results which are detected below the ML of 0.05 mg/L.

If the permittee or agent for the permittee utilizes a water supply that has not been disinfected with elemental chlorine or chlorine based compounds for hydrostatically testing tanks and or piping, sampling for TRC is not required. For the purposes of reporting on the DMR in this instance, enter "**NODI-9**", *Monitoring Is Conditional/ Not Required This Monitoring Period.*

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time that would impair the usages designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

SPECIAL CONDITIONS

C. OIL/WATER SEPARATOR MAINTENANCE

The permittee shall maintain an up-to-date operations and maintenance plan for the oil/water separator. The plan shall include, but not be limited to, measures to ensure the separator performs within the designed performance standards of the system, is maintained on a routine basis to maximize the design capacity and efficiency of the system, and that adequate staffing and training of personnel is provided to ensure compliance with discharge limitations. The operations and maintenance plan shall remain on site at all times and will be subject to periodic inspection by Department personnel.

For the purposes of minimizing suspended solids in the storm water directed to the separator, the permittee shall implement best management practices (BMP's) for erosion and sedimentation control. The permittee shall periodically inspect, maintain and repair erosion and sedimentation control structures as necessary.

D. HYDROSTATIC TEST WATER

Tanks being hydrostatically tested must be clean of product, all construction debris, including sandblasting grit, prior to testing and discharge. The discharge must be dechlorinated if test results indicate that discharged waters will violate water quality standards. Hydrostatic test water from tanks that have been washed, cleaned and certified for welding need not be discharged through the oil/water separator. The permittee shall notify the Department of an intended discharge of hydrostatic test water at least three days, excluding weekends, prior to the discharge.

E. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall #001. It is noted Outfall #002 is an administrative outfall that provides the permittee with a mechanism for reporting test results for the discharge of hydrostatic test waters. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

SPECIAL CONDITIONS

F. MONITORING AND REPORTING

Monitoring results shall be summarized for each calendar quarter and reported on separate Discharge Monitoring Report Forms provide by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the Discharge Monitoring Report and all other reports required herein shall be submitted to the following address:

Maine Department of Environmental Protection
Division of Engineering, Compliance & Technical Assistance
Eastern Maine Regional Office
Bureau of Land & Water Quality
106 Hogan Road
Bangor, ME. 04401

G. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded: (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

1. APPLICATION SUMMARY (cont'd)

b. Modifications: In the application for permit renewal, the permittee has requested the following modifications;

1. Increase the daily maximum limitation for total suspended solids (TSS) from 50 mg/L to 100 mg/L to be consistent with National Pollutant Discharge Elimination System (NPDES) permits for other facilities permitted by the U.S. Environmental Protection Agency (EPA) in Region I – New England.

2. Reduce the monitoring frequency for all parameters in the permit from 1/Month to 1/Quarter to be consistent with NPDES permits for other facilities permitted by the EPA in Region I – New England.

2. PERMIT SUMMARY

a. Regulatory - On January 12, 2001, the Department received authorization from the EPA to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From that point forward, the program has been referred as the Maine Pollutant Discharge Elimination System MEPDES permit program and permit #ME0022225 (same as NPDES permit number) will be utilized as the primary reference permit number for the permittee's facility. The NPDES permit last issued by the EPA on January 8, 1976, will be replaced by the MEPDES permit upon issuance. Once replaced, all terms and conditions of the NPDES permit are null and void.

b. Terms and conditions - This permitting action is similar to the 6/2/00 WDL action in that it is carrying forward all the terms and conditions with the following exceptions:

1. Increasing the daily maximum limit for TSS from 50 mg/L to 100 mg/L for the discharges from Outfall #001 to be consistent with the NPDES permits for other similar facilities permitted by the EPA in Region I - New England. In addition, this permit establishes an average limit of 50 mg/L whereby compliance is based on a 12-month rolling averaging period.

2. Reducing the monitoring frequency for all parameters from 1/Month to 1/Quarter.

3. Establishing limitations and monitoring requirements for hydrostatic test water discharges.

2. PERMIT SUMMARY (cont'd)

c. History – The most current relevant regulatory actions include the following:

January 8, 1976 – The EPA issued NPDES permit #ME0022225 for a five-year term.

June 2, 2000 – The Department issued WDL #W000767-5S-C-R renewal for a five-year term.

February 25, 2005 – Webber submitted an application to the Department to renew the WDL for their Bangor facility.

d. Source description: The primary activities of Webber Energy Fuels is the retail sale of energy fuels including No. 2 fuel oil, kerosene, diesel, and propane. The base of operations is located at the Bangor Terminal, 700 Main Street, Bangor Maine. Other notable activities at the terminal include the receipt, transport, and storage of approximately 6.5 million gallons of energy fuels.

The sizes of each of the bulk tanks and their contents is listed below:

Tank No.	Contents	Capacity in bbls and (gallons)	
AST # 1	No. 2 Fuel	10,000 bbls	420,000 gals
AST # 2	Diesel Fuel	10,000	420,000
AST # 3	Diesel Fuel	5,000	210,000
AST # 4	Diesel Fuel	5,000	210,000
AST # 6(1)	Waste oil	238	10,000
AST # 7	Diesel Fuel	14,760	619,920
AST # 8	Kerosene	23,810	571,440
AST # 9	No. 2 Fuel	61,904	2,600,000
AST # 10	Kerosene	9,524	400,000
AST # 11	Kerosene	14,285	600,000
AST # 12	Additives	357	15,000
AST # 13	Additives	8.33	350
AST # 14	Additives	7.14	300
AST # 15	Additives	48	2,015

Footnotes:

(1) Available for use but recently taken out of service.

2. PERMIT SUMMARY (cont'd)

Fuel is received at the facility by either barge vessel, tank truck, or pipeline from the adjacent Mobil facility. Fuel is delivered to customers in twenty-nine (29) different communities in the area. In order to effectively carry out terminal operations, Webber Energy Fuels employs a Safety and Environmental Manager, a General Manager (Operations), a Plant Supervisor and approximately 100 other technical and administrative positions. The site has one discharge outfall associated with operations at the facility; Outfall 001.

Outfall 001 is associated with storm water collected within two containment areas (Containment Area A & B) and storm water collected at the loading island and the tank truck off-loading area. If necessary, storm water collected in Containment Area B is pumped to Containment Area A where it can be treated by and oil/water separator before being discharged from the site. Storm water from the loading island and tank truck off-loading area is also discharged into Containment Area A and treated by an oil/water separator before final discharge from the site. No vehicle washing or maintenance occurs at this site. When necessary, hydrostatic test water from bulk storage tanks in the containment areas may also be discharged via Outfall 001. There are no overflows, bypasses or emergency discharge locations associated with this outfall. Containment Area A contains (10) above-ground bulk storage tanks having a total gross capacity of approximately 131,117 barrels (5.5 million gallons); Containment Area B contains two (2) above ground bulk storage tanks having a total gross capacity of 23,809 barrels (1 million gallons); and the terminal office loading islands contain two additive tanks with a gross capacity of approximately 15.5 barrels (650 gallons). The base of Containment Area A is composed of a combination of asphalt and gravelly clay and the dike wall are a combination of gravelly clay, concrete and steel. The base and walls of Containment Area B are composed of gravelly clay. Both containment areas have sufficient capacity to contain the entire contents of the largest tank in the event of a structural failure.

The total drainage area of the site contributing to storm water discharge at Outfall 001 is 132,025 square feet; 98,097 square feet from Containment Area A and the loading islands and 33,928 square feet from Containment Area B. There are three major impervious surface areas at the site contributing approximately 53,392 square feet to storm water discharge. These areas are: 1) the paved sections near the loading islands, the tank truck off-loading area and the paved area within the Containment Area A. These sections account for approximately 31,341 square feet; 2) the concrete pad at the loading island and the concrete pad with Containment Area B. These pads account for approximately 1,474 square feet; and 3) the storage tanks within both containment areas. These tanks account for approximately 20,577 square feet.

2. PERMIT SUMMARY (cont'd)

e. Waste water treatment – Outfall 001 discharges storm water collected at the loading islands, the tank truck off-loading areas, and Containment Area A & B. Containment Area B exists on site and houses two bulk storage tanks. Accumulated storm water within containment Area B is allowed to pond and dissipates by evaporation or is emptied into Containment Area A by pumps or ejectors that are manually activated when necessary. Hydrostatic test waters from any of the bulk storage tanks may also be discharged via Outfall 001. Containment Area A is partially constructed of an asphalt and earthen base with a combination of earthen, concrete and steel dike walls. Containment Area B is constructed of an earthen base and dike walls. Containment Area A & B houses bulk storage tanks along with associated transfer piping.

The facility site is graded such that most of the site drainage is collected in Containment Area A. Storm water that accumulates in Containment Area A is drained by gravity to the northeastern portion of the dike and into the oil/water separator sump. Accumulated storm water is then pumped from the sump into the oil/water separator by a manually controlled pump. After the water passes through the oil/water separator it then flows by gravity and is discharged via Outfall 001. Prior to activating the pump, accumulated water in Containment Area A is visually inspected for any presence of oil, or other contaminates. Pumping information is documented on an oil/water separator "Log" sheet at the time of each discharge. A copy of the "Log" sheet is maintained at the Bulk Plant Foreman's office. All drainage discharge from Containment Area A is conducted by authorized personnel in accordance with the *"Webber Oil Company Oil Water Separator Operations and Maintenance Plan"*.

The facility loading islands adjacent to the Terminal Office are sloped to direct flow toward drains located at the eastern and northern edges of the pad. Runoff from the pads flows through a primary oil/water separator, located at the loading islands, and then through the oil/water separator located within Area A, prior to being discharged to the Penobscot River.

Truck off-loading ports are located at the rear of the Terminal Office (into UST #1), at the 15,000 gallon-additive tank (AST #12) and the eastern edge of Area A. Off-loading ports at UST #1 and AST #12 is located within Containment Area A. Flows from the eastern edge off-loading port are directed toward a catch basin that drains into Area A

Within the containment areas all tanks and pipelines are completely enclosed and under normal operations petroleum products do not come into contact with storm water. Storm water from the loading islands and off-loading areas is more likely to come into contact with miscellaneous drips and leaks that occur in these areas. This water is treated by an oil/water separator within Containment Area A prior to off-site discharge. In addition, stormwater from the loading islands is treated by two oil/water separators; one at the island and one in Containment Area A. During normal maintenance, repairs and upgrades of tanks and pipelines the potential for miscellaneous drips and spills may occur. The facility currently maintains an EPA Spill Prevention Control and

2. PERMIT SUMMARY (cont'd)

Countermeasure (SPCC) Plan which includes provisions to minimize the potential for oil to be discharged into navigable waters of the United States from the site. All storm water that accumulates in Containment Area A is inspected by facility personnel for evidence of oil prior to being discharged from the dike. If personnel determine that the storm water is contaminated by petroleum, measures are taken to recover the oil prior to being discharged from the dike. As noted, all water discharged from the Containment Area A & B is further treated by an oil/water separator before final discharge from the facility.

In additional to the oil/water separators, the sump in Containment Area A is lined with a geotextile/riprap to prevent erosion from a 4 inch diameter outlet pipe from the loading island. Also, a channel exists in Containment Area A which receives concentrated flow which is directed to the sump. This channel is lined with a geotextile/riprap to prevent erosion of the underlying clayey/silty material within the containment area.

The facility also employs a number of non-structural control measures which assist to prevent contaminates from being discharged from the site. Significant non-structural control measure examples include: 1) a Federal oil Spill Prevention Control and Countermeasure (SPCC) Plan; 2) *Oil Water Separator Operations and Maintenance Plan*; and 3) annual Spring cleaning of the loading islands, drains, catch basins and oil/water separators.

The flow through the oil/water separator in Containment Area A is controlled by the sump pump which has a throttle valve preset to limit the flow into the separator to 115 gpm. Flow is measured each time the pump is activated to confirm that the throttle valve setting is in the correct position to limit the flow amount to 115 gpm. Both oil/water separators are cleaned once per year and any recovered oily waste is disposed off site at a State of Maine licensed waste handler.

For the purposes of this permitting action, the Department has established an administrative outfall designated as Outfall #002 for reporting sampling results for the discharge of hydrostatic test waters.

3. CONDITIONS OF PERMITS

- Maine law, 38 M.R.S.A., Section 414-A, requires that the effluent limitations prescribed for discharges require application of best practicable treatment, be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420, and Department Regulation Chapter 530.5, *Surface Water Toxics Control Program,* requires the regulation of toxic substances at the levels set forth for Federal Water Quality Criteria as published by the U.S. Environmental Protection Agency pursuant to the Clean Water Act.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Article 4-A §467(7)(A)(7) classifies the Penobscot River at the point of discharge as a Class B waterway. Maine law, 38 M.R.S.A., Article 4-A, §465(3) describes the classification standards for Class B waters.

5. RECEIVING WATER CONDITIONS

The lower Penobscot River is listed in a table entitled *Category 3: Estuarine and Marine Waters With Insufficient Data or Information To Determine Attainment* in a document entitled, *The State of Maine, Department of Environmental Protection, 2002 Integrated Water Quality Monitoring and Assessment Report,* published by the Department. During the summers of 1997 and 2001, the Department conducted ambient water quality monitoring in the Penobscot River from Millinocket to the tide waters of Bucksport. The Department is scheduled to perform a comprehensive evaluation of the data collected and calibrate an existing model of the river in calendar year 2005 and if necessary, prepare a total maximum daily load (TMDL) for segments of the river not attaining the standards of their assigned classification(s). If the evaluation and modeling runs determine that at full permitted discharge limits the discharge from the Webber facility is causing or contributing to the non-attainment, this permit will be re-opened per Special Condition G, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Outfall #001 – Storm water and/or hydrostatic test waters

Discharges from activities associated with bulk petroleum stations and terminal operations must satisfy best conventional technology (BCT) and best available technology (BAT) requirements and must comply with more stringent water quality standards if BCT and BAT requirements are not adequate. On September 25, 1992, EPA promulgated through its General Permit for Storm Water Discharge Associated with Industrial Activity, that the minimum BAT/BCT requirement for storm water discharges associated with industrial activity is a Storm Water Pollution Prevention Plan (SWPPP) [57 FR, 44438]. The Department has made the determination that the permittee does not engage in activities that are defined as "industrial activity", therefore is not requiring the preparation of a SWPPP. However, the Department is carrying numeric effluent limitations and or monitoring requirements forward from the previous NPDES permitting and WDL action for petroleum constituents to ensure the discharge(s) do not contribute to violations of the State's water quality standards. The effluent parameters for each waste stream are discussed in more detail below. The sections are arranged according to the effluent characteristic(s) being regulated.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Outfall #001 – Storm water and/or hydrostatic test waters

1. Flow - Typically, the treatment technology for storm water runoff employed by bulk storage petroleum terminals is an oil/water [O/W] separator. This device uses gravity to separate the lower-density oils from water; resulting in an oil phase above the oil/water interface and a heavier particulate (sludge) phase on the bottom of the O/W separator. It follows that the sizing of O/W separators is based on the following design parameters: water-flow rate, density of oil to be separated, desired percentage removal of oil, and the operating temperature range.

   The previous licensing established a daily maximum flow limit of 115 gpm that was based on information supplied by the permittee as to the design capacity of the O/W separator. The permittee has indicated this value remains representative of the design capacity and flow conveyed to the separator is controlled by the sump pump which has a throttle valve preset to limit the flow into the separator. Therefore, the daily maximum flow limit is being carried forward in this permitting action but the requirement to measure discharge flows for compliance with this permit is being eliminated.

2. Total Suspended Solids (TSS) - Total suspended solids have been limited in this permit to minimize the potential carryover of petroleum fractions to the receiving water(s) by adsorption to particulate matter or suspended solids. Both heavy metals and polynuclear aromatic hydrocarbons (PAHs) readily adsorb to particulate matter.

   The previous licensing action established a daily maximum concentration limit of 50 mg/L for TSS based on a Department best professional judgment (BPJ) of limits that were achievable for bulk fuel storage and transfer facilities located in the State of Maine. The most current NPDES permit issued by the EPA establishing a daily maximum concentration limit of 100 mg/L based on a EPA Region I BPJ determination that the technology guidelines promulgated at 40 CFR Part *423—Steam Electric Power Generating Point Source Category*, for point source discharges of low volume waste water were appropriate to control the discharge of sediment particles and oils from bulk storage petroleum terminals in the region.

   The Department issued WDL renewals for all the bulk fuel storage and transfer facilities in calendar year 1997 (generally speaking) with a daily maximum concentration limit of 50 mg/L for TSS. Many of the facilities, including the Webber facility, have not been able to consistently comply with the daily maximum limit of 50 mg/L after implementing the SWPPP and properly operating and maintaining the O/W separators. A number of the facilities have written to the Department requesting the Department revise the limit to be consistent with EPA's Region I BPJ limit of 100 mg/L.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Outfall #001 – Storm water and/or hydrostatic test waters

The Department has reviewed the Discharge Monitoring Reports (DMR's) for all of the bulk fuel storage and transfer facilities in the State of Maine and conducted on-site inspections at many of the facilities to verify the SWPPPs and/or other like Best Management Practices (BMPs) are being implemented and the O/W's are being properly operated and maintained. The Department concurs that the daily maximum concentration limit is overly stringent and is not achievable on a year-round basis.

The industry believes the root cause for the exceedences is that the soil types used to construct the dikes and spread on the yard areas to enhance traction in the winter (areas subject to foot and vehicular traffic) contain a high level of fine clay-like materials that do not settle out before discharge.

A permit may not be renewed, reissued or modified with less stringent limitations or conditions than those contained in the previous permit unless in compliance with the anti-backsliding requirements of the CWA [see Sections 402(o) and 303(d)(4) of the CWA and 40 CFR §122.44(l)(1 and 2)]. EPA's antibacksliding provisions prohibit the relaxation of permit limits, standards, and conditions except under certain circumstances. The anti-backsliding provisions authorizes the permitting authority to relax limits based on new information and under circumstances where the permittee has applied best practicable treatment and is unable to comply with the limit. The Department has made the determination that bulk fuel storage and transfer facilities as a whole have satisfied the Department that the Department's BPJ daily maximum concentration limitation of 50 mg/L established in the previous licensing actions is not consistently achievable even after the application best practicable treatment and implementation of the SWPPPs/BMPs. Therefore, to be consistent with the EPA Region I's issuance of NPDES permits for like facilities in New England, the Department is establishing a daily maximum concentration limit of 100 mg/L and establishing a twelve-month rolling averaging period for compliance with the concentration limit of 50 mg/L. The Department has made a best professional judgment that the increase in the daily maximum limit will not cause or contribute to failure of the receiving water to meet water quality standards given the infrequent nature of the discharge. An example of calculating a 12-month rolling average is as follows:

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Outfall #001 – Storm water and/or hydrostatic test waters

Calendar year 2005

Quarter #2

Month	Test Result
Apr	15 mg/L
	53 mg/L
May	31 mg/L
June	71 mg/L
	24 mg/L
	37 mg/L

Quarter #3

Month	Test Result
July	50 mg/L
Aug	34 mg/L
	47 mg/L
	39 mg/L
Sept	No Discharge

Quarter #4

Month	Test Result
Oct	25 mg/L
	72 mg/L
Nov	No Discharge
Dec	71 mg/L
	22 mg/L
	26 mg/L

Quarter #1 (2006)

Month	Test Result
Jan	50 mg/L
Feb	34 mg/L
	47 mg/L
	59 mg/L
Mar	89 mg/L

$$\text{12-Month rolling average} = \frac{\Sigma \text{ effluent concentrations}}{\text{n results}} = \frac{896}{20} = 45 \text{ mg/L}$$

As stated in footnote #2 of Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the permit, the 12-month averaging period is based on the most recent twelve months. Months where no discharge took place are excluded (i.e. do not figure in a zero) in the calculation. It is noted the monitoring frequency for TSS in this permitting action is 1/Quarter. The example for calculating the 12-month rolling average above indicates the permittee has conducted testing more frequently than required by the permit. Pursuant to federal regulation 40 CFR, §122.41(l)(4)(ii) and Standard Condition D(1)(d)(ii) of this permit, requires the additional monitoring results to be reported to the Department and included in applicable calculations.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

a. Outfall #001 – Storm water and/or hydrostatic test waters

3. Oil and Grease (O&G) – The previous licensing action contained a daily maximum concentration limit of 15 mg/L based on Department regulation, Chapter 600-§16, stipulating that all oil terminal facilities shall be equipped with an oil/water separator system capable of receiving all oily water runoff from the facility and reducing oil content to 15 mg/L or less. A review of the DMR data for the period 1997 to the present indicates the limit has consistently been achieved and is therefore being carried forward in this permitting action.

b. Hydrostatic Test Water (Outfall #002 - Administrative)

The previous licensing action established sampling protocols and reporting requirements for TSS, oil & grease, total iron, chemical oxygen demand (COD), pH and total residual chlorine. The permittee has indicated that hydrostatic testing of pipelines and tanks with water is no longer the practice at the Bangor facility. Pipelines are tested utilizing fuel product and tanks are tested via X-rays, eliminating the need for discharging hydrostatic test waters. However, the permittee would like to retain the option to do so. Therefore, the authorization to discharge hydrostatic test waters is being carried forward in this permitting action in accordance with the following conditions:

1. Flow – The previous licensing action did not establish a flow limitation but did establish a reporting requirement. This permitting action is limiting the permittee to 2,600,000 gallons per discharge event which is equivalent to the largest tank volume on the farm.

2. Total Suspended Solids – The previous licensing action did not establish any limitations for TSS. This permitting action is establishing a daily maximum limit of 50 mg/L based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

3. Oil & Grease: The previous licensing action did not establish any limitations for oil & grease. This permitting action is establishing a daily maximum concentration limit of 15 mg/L that is a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

b. Hydrostatic Test Water (Outfall #002 - Administrative)

4. Total residual chlorine (TRC): The previous licensing action did not establish any limits for TRC. This permitting action is establishing a daily maximum TRC limit of 19 ug/L. The limitation is based on EPA's acute criteria maximum concentration (CMC) of 19 ug/L for fresh waters. The limitation does not take into consideration dilution in the receiving water due to the fact that the outfall pipe does not have a diffuser and is above the high and low water marks. A chronic limit is not specified because the discharge is not a continuous discharge.

   Compliance with the daily maximum limitation will be based on EPA's minimum level (ML) of detection of 50 ug/L (0.05 mg/L). All analytical test results shall be reported to the Department including results which are detected below the ML of 0.05 mg/L.

5. Total iron and chemical oxygen demand – The previous licensing action required the permittee to monitor for these parameters in the event of a discharge of hydrostatic test waters. The Department has re-evaluated its position on these monitoring requirements and has made a determination that they are not necessary given the nature of the water being discharged. Therefore, these parameters are not being included in this permitting action.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class B classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about February 19, 2005. The Department receives public comment on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Resource Regulation
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7693
Electronic mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period March 22, 2005 through the date of permit issuance, the Department solicited public comments on the proposed draft MEPDES permit that authorizes the discharge of treated storm water runoff from a bulk fuel storage/transfer facility owned and operated by Webber Energy Fuels located in Bangor, Maine. The Department received written comments in a letter dated April 15, 2005, from Civil Engineering Services Inc. on behalf of Webber Energy Fuels. A response to comments that resulted in substantive revisions to the final permit are as follows.

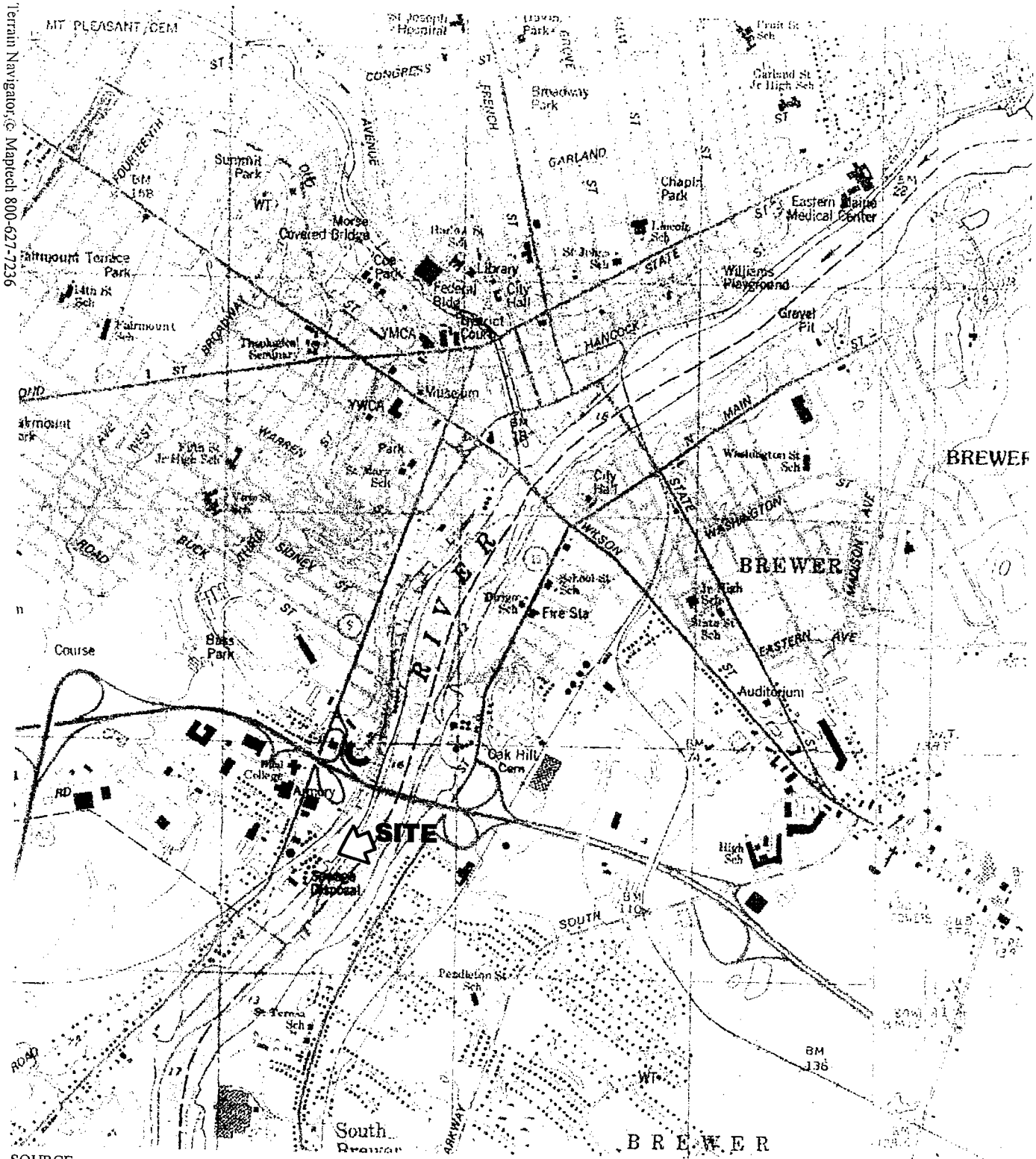
Comment #1: The permittee has requested the Department remove the monitoring and reporting requirement and all references to benzene as the facility does not receive or distribute gasoline products and is therefore not necessary.

Response #1: The Department concurs and has eliminated the monitoring and reporting requirement and all references to benzene in the final permit.

Comment #2: The permittee has requested the Department remove the limitations and monitoring requirements for pH as the facility does not undertake any activities that would alter the pH of the discharge and is therefore not necessary.

Response #2: As explained on page 11 of 13 of the Fact Sheet of the 3/22/05 proposed draft document, for certain bulk fuel storage facilities, the National Marine Fisheries Service (NMFS) has historically requested the Department incorporate a limitation and monitoring requirement for pH between April and November, the migratory season for Atlantic salmon. More specifically, the NMFS has made this request for facilities that ship/handle and or distribute other products such as coal and road salt that can affect the pH of the discharge. Given Webber's Bangor facility does not conduct said activities, the Department concurs pH limitations and monitoring requirements are not necessary are therefore being eliminated in the final permit.

ATTACHMENT A

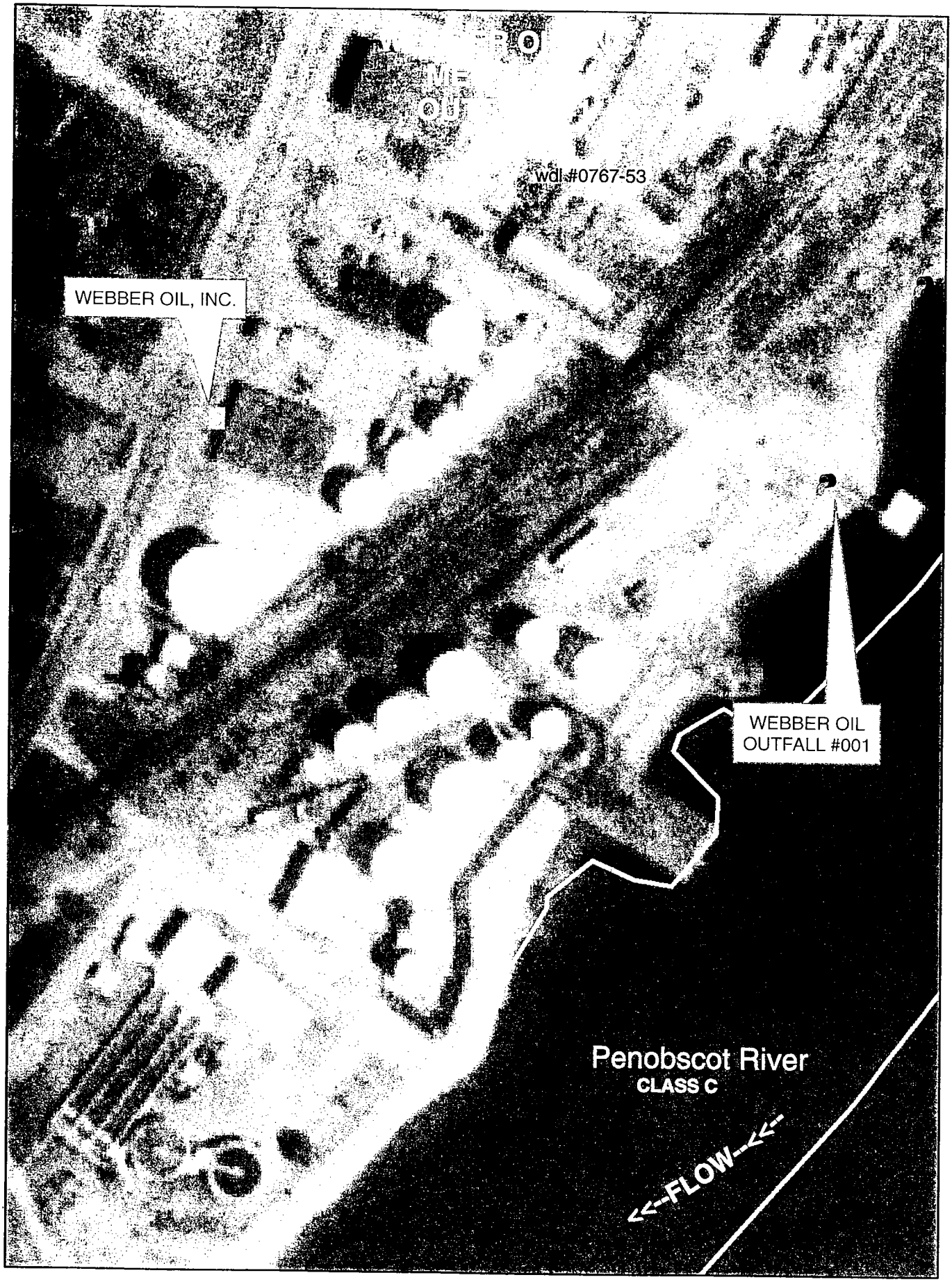


SOURCE:
U.S.G.S. TOPOGRAPHIC QUADRANGLE
BREWER, MAINE
@ 1: 24 000

C E S 1978 INC
ENGINEERS • SURVEYORS
465 So. Main Street P.O. Box 639 Brewer, ME 04412
Tel: 207-989-4824 FAX 207-989-4881

WEBBER OIL COMPANY
BANGOR, MAINE
LOCATION MAP

DATE: 2/22/05
Jn: 4075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